

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

☐

Original Plan

☒

1st Amended Plan  
dated 8/1/18

Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)

☐

Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: **Eli Randall**

JOINT DEBTOR: \_\_\_\_\_

CASE NO.: **3-18-11706**

SS#: **xxx-xx-3702**

SS#: \_\_\_\_\_

I. **NOTICES**

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.

To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.

To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. **PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE**

A. **MONTHLY PLAN PAYMENT:** This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ **2500** for **3** months;

2. \$ **5000** for **57** months;

The total amount of estimated payments to the trustee: **\$292,500.00**

B. **DEBTOR(S)' ATTORNEY'S FEE:** ☐ NONE ☐ PRO BONO

Total Fees: <b>\$5,000.00</b>	Total Paid: <b>\$1,000.00</b>	Balance Due: <b>\$4,000.00</b>
Payable _____	/month (Months _____ to _____)	

III. **TREATMENT OF SECURED CLAIMS**

A. **SECURED CLAIMS:** ☐ NONE

Retain Liens pursuant to 11 U.S.C. §1325(a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1	Creditor: <b>Seterus</b>	
	Address: <b>P.O. Box 1077; Hartford, CT 06143-1077</b>	Arrearage/Payoff on Petition Date <b>165,870.72</b>
		Arrears Payment (Cure) <b>Paid Pro Rata @ 0.0%</b>
	Account No.: _____	
	Other: _____	
	<input type="checkbox"/> Real Property	Check one below for Real Property:

Debtor(s): **Eli Randall** Case number: **3-18-11706**

- ☒ Principal Residence  
☐ Other Real Property

Address of Collateral:

- ☐ Escrow is included in the regular payments  
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

- ☐ Personal Property/Vehicle

Description of Collateral:

**2 Creditor: Mark Weldy**

Address: **8130 9th Street Place  
North; Oakdale, MN 55128**

Arrearage/Payoff on Petition Date **\$265,000.00**

**\$1602.12/month fixed  
payment during the  
plan.**

**\$1602.12 (Months 4 to 60) - this obligation will paid  
through the trustee's office during the plan term at  
the fixed monthly payment as set out in this  
paragraph. Once the plan is completed, the payment  
will be paid direct to the creditor.**

Account No.:

Other:

- ☒ Real Property

- ☐ Principal Residence  
☐ Other Real Property

Address of Collateral: **Fox Lake WI 53626**

**Value Based on Debtor's Belief**

Check one below for Real Property:

- ☐ Escrow is included in the regular payments  
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

- ☐ Personal Property/Vehicle

Description of Collateral:

**3 Creditor: Seterus**

Address: **P.O. Box 1077; Hartford,  
CT 06143-1077**

Arrearage/Payoff on Petition Date **\$342,748.55**

**Regular Payment  
(Direct)**

**\*See Below Direct Payment\***

Account No.:

Other:

- ☒ Real Property

- ☐ Principal Residence  
☐ Other Real Property

Address of Collateral: **5858 W. Waveland Ave Chicago, IL 60634**

**Cook County**

**Value Based on Debtor's Belief of Fair Market Value**

Check one below for Real Property:

- ☐ Escrow is included in the regular payments  
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

- ☐ Personal Property/Vehicle

Description of Collateral:

Debtor(s): Eli Randall Case number: 3-18-11706

**B. VALUATION OF COLLATERAL:** ☒ NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED, A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-1.

**C. LIEN AVOIDANCE** ☒ NONE

**D. SURRENDER OF COLLATERAL:** Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

☐ The debtor(s) elect to surrender to each secured creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

☐ Other:

**E. DIRECT PAYMENTS:**

☐ NONE

☒ The debtor(s) elect to make current payments directly to each secured creditor listed below. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

	Name of Creditor	Account No.	Description of Collateral (Address, Vehicle, etc.)
1.			
2.	Seterus		5858 W. Waveland Ave Chicago, IL 60634 Cook County Value Based on Debtor's Belief of Fair Market Value

**IV. TREATMENT OF FEES AND PRIORITY CLAIMS** [as defined in 11 U.S.C. §507 and 11 U.S.C. §1322(a)(4)]

**A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE:** ☒ NONE

**B. PRIORITY TAX CLAIMS:** ☒ NONE

**C. DOMESTIC SUPPORT OBLIGATION(S):** ☒ NONE ☐ CURRENT AND PAID OUTSIDE

**D. OTHER:** ☒ NONE

**V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS**

**A.** Pay \_\_\_\_\_/month

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

**B.** ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

**C. SEPARATELY CLASSIFIED:** ☒ NONE

**VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES:** Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

**VII. INCOME TAX RETURNS AND REFUNDS:** ☒ NONE

☒ The debtor(s) is hereby advised that the chapter 13 trustee has requested that the debtor(s) comply with 521(f) 1-4 on an annual basis during the pendency of this case. The debtor(s) will not provide tax returns unless requested by any interested party pursuant to 11 USC 521. If returns are requested, the debtor(s) hereby acknowledge that the deadline for providing the Trustee with their filed tax returns is on or before May 15 of each year the case pending.

**VIII. NON-STANDARD PLAN PROVISIONS:** ☒ NONE

**PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.**

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

/s/ Wade M. Pittman

**Wade M. Pittman 1090712**

Attorney with permission to sign on Debtor(s)' behalf

Debtor

Date

/s/ Wade M. Pittman

**Wade M. Pittman 1090712**

Attorney with permission to sign on Debtor(s)' behalf

Debtor(s): Eli Randall Case number: 3-18-11706

**August 1, 2018**

Date

**August 1, 2018**

Date

**By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.**

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: **Eli Randall**

Chapter 13

Case No.: **3-18-11706**

**REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN**

1. This request to amend an unconfirmed Chapter 13 Plan supersedes all prior requests to amend the Plan and includes all proposed amendments. Terms not fully stated here or in the original Plan are not part of the Plan.
2. Service: A certificate of service must be filed with this request for plan amendment, together with the amended Western Wisconsin Local Form 3015-1.1.
3. Designate one of the following:
  - ☒ A copy of this proposed modification has been served on the parties (the debtor, the trustee, the United States Trustee and all creditors) as required by Fed. R. Bank. P. 3015(g); or
  - ☐ A motion requesting limited service is being filed simultaneously with the Court.
4. I request the following amendment of the Chapter 13 Plan filed with the Court:
  - Plan payments are increasing due to a larger arrearage claim than expected.
  - The payment on the farm mortgage is being switched to being in the plan which increases the plan amount

All remaining terms of the original Chapter 13 plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment will control.

WHEREFORE, each Debtor requests the Court approve this proposed amendment to the original Chapter 13 Plan.

**UNITED STATES BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF WISCONSIN**

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**In Re:**

**In Bankruptcy No:**

**ELI RANDALL**

**Debtor.**

**Case No: 18-11706-CJF (ch. 13)**

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**NOTICE OF AMENDED (PRE-CONFIRMATION) CHAPTER 13 PLAN  
DATED AUGUST 3, 2018 & FILE AUGUST 6, 2018**

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**PLEASE TAKE NOTICE**, that the debtor, Eli Randall, by his attorneys, PITTMAN & PITTMAN LAW OFFICES, LLC by Wade M. Pittman, have filed an Amended Chapter 13 Plan. A copy of said Amended Plan is attached thereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve said motion, or if you want the Court to consider your views on the motion, then on or before **August 27, 2018**, you or your attorney must file with the Court, in writing, your position in said matter and request a hearing and file your original document with the **United States Bankruptcy Court, 120 N Henry Street, Rm. 320, Madison, WI 53703** and a copy to Wade M. Pittman, **222 N Midvale Blvd, STE 16, Madison, WI 53705**. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought by the motion and may enter an order granting that relief.

**Dated this 6 day of August 2018, at Madison, Wisconsin.**

**PITTMAN & PITTMAN LAW OFFICES, LLC**

**By: s/Wade M. Pittman**  
**Wade M. Pittman**  
**Attorney No: 1090712**  
**Attorney for Debtor**  
**222 N Midvale Blvd, STE 16**  
**Madison, WI 53705**  
**(608) 233-4336**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

**In Re:**

**In Bankruptcy No:**

**ELI RANDALL**

**Debtor.**

**Case No: 18-11706-CJF (ch. 13)**

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF WISCONSIN           )  
  ) SS  
COUNTY OF LA CROSSE       )

The undersigned being first duly sworn states that a true copy of the *Notice and Amended Chapter 13 Plan* was served upon the individuals on the attached list by either electronic filing or by enclosing the same in an envelope postpaid for first class handling which bore the sender's name and return address and addressed to each such individual at their respective post office addresses and deposited in a U.S. Post Office depository in La Crosse, Wisconsin on August 6, 2018.

s/Elizabeth Ystenes  
Elizabeth Ystenes

Subscribed and sworn to before me  
this 6 day of August, 2018.

s/Wanda F. Nickelotti  
Wanda F. Nickelotti, Notary Public  
My Commission expires: 3/3/22.

Label Matrix for local noticing  
0758-3  
Case 3-18-11706-cjf  
Western District of Wisconsin  
Madison  
Mon Aug 6 16:21:05 CDT 2018

Fannie Mae  
c/o Seterus, Inc.  
PO Box 1047  
Hartford, CT 06143-1047

Federal National Mortgage Association (  
c/o O'Dess and Associates, S.C.  
1414 Underwood Ave., Ste. 403  
Wauwatosa, WI 53213-2653

Mark Harring  
131 W. Wilson Street, Suite 1000  
Madison, WI 53703-3260

IRS - Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Mark & Linda Weldy  
8130 9th Street Place North  
Oakdale, WI 55128-5391

Mark Weldy  
8130 9th Street Place North  
Oakdale MN 55128-5391

D. Alexander Martin  
O'Dess and Associates, S.C.  
1414 Underwood Avenue  
Suite 403  
Wauwatosa, WI 53213-2653

Wade M. Pittman  
Pittman & Pittman Law Offices, LLC  
222 N Midvale Blvd, STE 16  
Madison, WI 53705-5004

Eli Randall  
5858 W. Waveland Ave  
Chicago, IL 60634-2663

Vickie Sue Randall  
5858 W. Waveland Ave.  
Chicago, IL 60634-2663

Secretary of Treasury  
Treasury Department  
1500 Pennsylvania Avenue N.W.  
Washington, DC 20220-0001

Securities and Exchange Commission  
175 West Jackson Boulevard  
Suite 900  
Chicago, IL 60604-2908

Seterus  
P.O. Box 1077  
Hartford, CT 06143-1077

U.S. Trustee's Office  
780 Regent Street, Suite 304  
Madison, WI 53715-2635

Wisconsin Department of Revenue  
Special Procedures Unit  
P.O. Box 8901  
Madison, WI 53708-8901

End of Label Matrix  
Mailable recipients 15  
Bypassed recipients 0  
Total 15